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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,255	04/09/2001	Peter Faraday	MCS-076-00	9474
27662	7590	03/23/2005	EXAMINER	
LYON & HARR, LLP 300 ESPLANADE DRIVE, SUITE 800 OXNARD, CA 93036			RIES, LAURIE ANNE	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/832,255	FARADAY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laurie Ries	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 November 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 5-24 and 26-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 5-24 is/are allowed.  
 6) Claim(s) 38 and 39 is/are rejected.  
 7) Claim(s) 26-37 and 40 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

This action is responsive to communications: amendment filed 1 November 2004.

The objection to the specification due to certain informalities has been withdrawn as necessitated by amendment.

The objection of claims 5-8, 15-22, 24, and 38-40 has been withdrawn as necessitated by amendment.

The rejection of claims 1-4, 9, 13-14, 25-28, 32, and 41 under 35 U.S.C. 102(e) has been withdrawn as necessitated by amendment.

The rejection of claims 10-12 and 23 under 35 U.S.C. 103(a) has been withdrawn as necessitated by amendment

Claims 5-24 and 26-40 are pending. Claims 1-4, 25, and 41 have been canceled. Claims 5, 38 and 39 are independent claims.

***Allowable Subject Matter***

Claims 5-24 are allowed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (U.S. Patent 5,990,878) in view of Kroiter (U.S. Patent 6,577,315 B1).

As per claims 38-39, Ikeda discloses a computer readable medium having computer-executable instructions for controlling and displaying the animation sequence including displaying at least one animation tag near an object to be animated, the animation tag indicating an order of at least one animation effect on the object (See Ikeda, Figure 18, elements 1818 through 1821 which are located **near** animated element 1822; see also Column 15, lines 61-64, and Column 16, lines 7-16), and where the user can use input device selection actions, which includes keyboard keys, to activate the animation tags (See Ideka, Column 6, lines 4-6). Ikeda does not disclose expressly allowing a user to manipulate the order of the animation effect using the animation tag. Kroiter discloses allowing a user to create a sequence of motion in an animation (See Kroiter, Column 2, lines 33-37). Ikeda and Kroiter are analogous art because they are from the same field of endeavor of manipulating computer-assisted animation. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the manipulation of an animation sequence of Kroiter with the displaying of an animation sequence of Ikeda. The motivation for doing so would have been to allow an animator to simply

and intuitively in real-time create a sequence of motion using a number of animator-created source poses of an object (See Kroiter, Column 2, lines 33-38). Therefore, it would have been obvious to combine Kroiter with Ikeda for the benefit of allowing an animator to simply and intuitively in real-time create a sequence of motion using a number of animator-created source poses of an object to obtain the invention as specified in claims 38 and 39.

#### *Claim Objections*

Claims 26-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

Applicant's arguments with respect to claims 38-39 have been considered but are moot in view of the new ground(s) of rejection, as well as indicated allowable subject matter.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gever (U.S. Patent 6,331,861 B1) discloses programmable computer graphic objects.
- Handelman (U.S. Patent 6,088,042) discloses an interactive motion data animation system.

- Susman (U.S. Patent 5,261,041) discloses a computer controlled animation system.
- Katzenberger (U.S. Patent 5,861,175) discloses a method and apparatus for scripting animation.
- Nishihata (U.S. Publication 2003/0011643 A1) discloses a representation data control system.
- Laszlo discloses an interactive control for physically based animation.
- Litwinowicz discloses a 2-D animation system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (571) 272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER